

PROCLAMATION

No. 17540

By The

Governor of the State of Texas

Executive Department
Austin, Texas
June 10, 1937

To All to Whom These Presents Shall Come:

I have today disapproved and vetoed House Bill No. 23 for the following reasons:

This Bill amends Chapter 13, Acts of the Fourth Called Session of the Forty-first Legislature which authorized the leasing of lands belonging to the State Penitentiary System. One Section of the original law provides that the terms of the leases may be for not exceeding five years; another Section that it shall not exceed three years.

Leases subsequently executed by the Board under this statute call for five years. Meantime the potential ore value of these lands has substantially increased. They are worth much more now than at the time they were originally leased.

It is an elementary rule of construction that where there is a conflict in a grant from the sovereignty, such conflict shall be resolved in favor of the State; that where in one Section a greater grant is given than in another, the lesser shall prevail.

If a private individual had leased his lands and the lease in one section provided that it should run for five years and in another section for three years, and in the meantime the value of such lands had substantially increased, such private owner would not hesitate to contend that the shorter period should prevail. The title of the lessee under such a lease would certainly be defective and the only way in which the lessee could secure an extension would be by agreement of the lessor.

Under all the circumstances, I think the general rule of law should be followed and the conflict resolved in favor of the State. Since in some instances the three-year leases have expired, or are about to expire, I believe the best interests of the State would be served by causing the lands to be advertised again for lease.

For this reason, the Bill is accordingly vetoed and disapproved, and a copy of this proclamation attached to same is ordered filed with the Secretary of State.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of State to be impressed hereon at Austin, this the 10th day of June, A. D., 1937.

JAMES V. ALLRED
Governor of Texas

(Seal)

By the Governor

(Signed) Edward Clark
Secretary of State